

SENATE BILL 374

By Bunch

AN ACT to amend Chapter 846 of the Private Acts of 1947; as amended by Chapter 197 of the Private Acts of 1953; Chapter 291 of the Private Acts of 1976; Chapter 46 of the Private Acts of 1989; Chapter 208 of the Private Acts of 1992 and Chapter 22 of the Private Acts of 1993; and any other acts amendatory thereto, relative to the board of directors of the Bradley County Memorial Hospital.

WHEREAS, Bradley County Memorial Hospital was established and operated pursuant to Chapter 846 of the Private Acts of 1974, as subsequently amended by Chapter 197 of the Private Acts of 1953, and later private acts; and

WHEREAS, the private acts pertaining to Bradley County Memorial Hospital set forth the powers and duties of its board of directors; and

WHEREAS, the assets of Bradley County Memorial Hospital have been sold, and thus no hospital remains to be managed and operated by the board of directors; and

WHEREAS, the board of directors and Bradley County have reached an agreement regarding the disposition of proceeds from the sale of Bradley County Memorial Hospital remaining after the discharge of all liabilities and obligations of Bradley County Memorial Hospital not assumed by the purchaser, which agreement was approved by Chancery Court of Bradley County in a final decree entered August 29, 2006; and

WHEREAS, the private acts pertaining to Bradley County Memorial Hospital do not contain any provisions relative to termination of the board of directors and the cessation of its duties and responsibilities in the event of the sale of Bradley County Memorial Hospital; and

WHEREAS, amendments to the private acts pertaining to Bradley County Memorial Hospital are necessary in order to accomplish an orderly winding up of the affairs of Bradley County Memorial Hospital; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 846 of the Private Acts of 1947; as amended by Chapter 197 of the Private Acts of 1953; Chapter 291 of the Private Acts of 1976; Chapter 46 of the Private Acts of 1989; Chapter 208 of the Private Acts of 1992 and Chapter 22 of the Private Acts of 1993; and any other acts amendatory thereto, is amended by adding the following language to the end of Section 13:

If Bradley County Memorial Hospital is sold or otherwise transferred to a new owner, then the board of directors shall cease to function and the board of directors shall be terminated, such cessation and termination to be effective upon the adoption by the county commission of Bradley County of a resolution declaring that the board of directors has completed all acts necessary to wind up the affairs of Bradley County Memorial Hospital. Upon cessation and termination of the board of directors in accordance with the provisions of this section, the members of the board of directors shall be fully discharged of all of their rights, powers, duties and obligations with regard to Bradley County Memorial Hospital.

SECTION 2. If a provision of any other private act pertaining to Bradley County Memorial Hospital is in conflict with the provisions of this act, this act shall control and shall supersede such other, conflicting provision.

SECTION 3. This act shall have no effect unless it is approved by two-thirds (2/3) vote of the legislative body of Bradley County. Its approval or non-approval shall be proclaimed by the presiding officer of such legislative body and certified to the secretary of state.

SECTION 4. For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all purposes, it shall become effective upon being approved as provided in Section 3.